

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

DONAH HOWARD ARNOLD, et al.,

Plaintiffs

v.

Civil Action No: 1:13-20789

ANTHONY DARNELL GREY, et al.,

Defendants

AMENDED MEMORANDUM OPINION AND ORDER

Pending before the court is a joint motion for entry of order of partial voluntary dismissal, with prejudice, as to defendants Acceptance Insurance Agency of Tennessee, Inc. and First Acceptance Insurance Company of Tennessee, Inc.<sup>1</sup> ("corporate defendants"). (Doc. No. 11). Attached to the motion is a stipulation of partial voluntary dismissal, with prejudice, that is signed by counsel for plaintiffs and counsel for corporate defendants. (Doc. No. 11-1). The court finds that this pleading constitutes a "stipulation of dismissal signed by all parties who have appeared" pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. This court's endorsement is therefore not required by the Federal Rules. See Camacho v. Mancuso, 53 F.3d 48, 51 (4th Cir. 1995)

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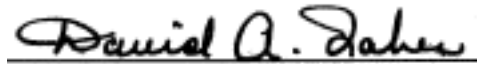
<sup>1</sup>Both the motion and stipulation state that defendant First Acceptance Insurance Company of Tennessee, Inc. is incorrectly named as First Acceptance Insurance Company, Inc. The court construes this as a motion to amend the complaint and, for good cause shown, the motion is GRANTED to the extent that the parties seek to correct the name.

(recognizing that a stipulated dismissal under Rule 41(a)(1)(ii) does not require the entry of an order by the court). However, as plaintiffs have requested a court order, the motion is GRANTED, and the court ORDERS this action dismissed with prejudice as to defendants Acceptance Insurance Agency of Tennessee, Inc. and First Acceptance Insurance Company of Tennessee, Inc. pursuant to Rule 41(a)(1). Plaintiffs will continue to maintain this action against the individual defendants - Grey and Watts.

The Clerk is directed to forward a copy of this Amended Memorandum Opinion and Order to all counsel of record.

**IT IS SO ORDERED** on this 10th day of September, 2013.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge